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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

848075/0016

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on December 6, 2006Signature Roxanne GarciaTyped or printed name Roxanne Garcia

Application Number

09/621,045

Filed

July 21, 2000

First Named Inventor

Masayuki Takayama et al.

Art Unit

2617

Examiner

Rampuria, Sharad K.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒attorney or agent of record. 55,799

Registration number

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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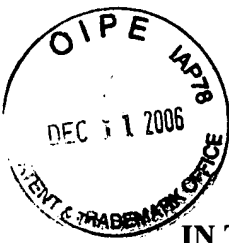
December 6, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.☒*Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Masayuki Takayama et al. **Examiner:** Rampuria, Sharad K.
Application 09/621,045 **Confirmation No.:** 4035
Filed: July 21, 2000 **Group Art Unit:** 2617
For: MOBILE TELEPHONE SET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Pre-Appeal Brief is filed in response to the Advisory Action dated November 16, 2006 on which the statutory period for this response expired on October 6, 2006. Accordingly, this response requires a two (2) month extension of time. A Petition for Extension of Time (2 months) is being filed together with this Pre-Appeal Brief.

A. Pending Claims

Claims 1-3 and 5 are pending in this application for reconsideration. The Examiner has rejected all pending claims in an Office Action mailed July 6, 2006 and affirmed those rejections in the Advisory Action of November 16, 2006.

B. Office Action Mailed July 6, 2006

In the Office Action mailed July 6, 2006, the Examiner has provisionally rejected claims 1-4 on nonstatutory-obvious-type double patenting over claims 1-10 of copending U.S. Application No. 11/249,976. In response, Applicants submitted a terminal disclaimer signed by Applicants' attorney of record. Applicants submit that rejection is therefore moot. The

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Examiner has rejected claims 1 and 5 under 35 U.S.C. § 103 over U.S. Patent No. 6,125,286 to Jahagirdar et al. ("Jahagirdar") in view of Japanese Patent No. 405014540A to Yoshida et al. ("Yoshida"). Claim 2 is rejected over Jahagirdar in view of Yoshida and further in view of U.S. Patent No. 5,077,832 to Szczutkowski et al ("Szczutkowski"). Claim 3 is rejected over Jahagirdar in view of Yoshida and further in view of U.S. Patent No. 6,035,180 to Kubes et al. ("Kubes").

In response, Applicants have distinguished Jahagirdar and Yoshida as not disclosing alone or in combination the independently controlled first address data bus and second address data bus of the claims. Furthermore, Applicants' distinguish Szczutkowski and Kubes as failing to disclose Applicants' claimed invention. Thus, Applicants respectfully submit that the claims are patentably distinct and allowable over the cited art.

In rejecting the claims as obvious, the Examiner alleges that Yoshida teaches, in an analogous art, that a second address data bus (44; Fig. 4) for connecting said control means and said display (36; Fig. 4) means independently of said first address data; (42; Fig. 4) wherein said control means controls said first address data bus and said second address data bus independently (see July 6, 2006, Office Action at p. 4). Further, in responding to Applicants' arguments, the Examiner states that "Yoshida asserts so many lines or buses, one of them is a data bus for example buses 39-41, 36, 42, 44, consequently, Yoshida emphasizes an address data bus. (Please perceive busses 39-41, 36, 42, 44; Abstract). Hence, it is believed that Yoshida **still teaches the claimed limitations**" (see Office Action at p. 9 (emphasis in original).

As stated above, the Examiner points that one of, for example, buses 39-41, 36, 42, 44 is a data bus. However, from this list, only reference numeral 42 is arguably a data bus.

Reference numeral 36 is a display and reference numeral 44 is a signal line. Therefore, contrary to the Examiner's assertion, reference numeral 44 (Fig. 4) is not a second address data bus.

Thus, Yoshida fails to disclose "a second address data bus for connecting said control means and said display means independently of said first address data bus" as recited in claim 1.

Indeed, in the Advisory Action the Examiner now acknowledges that Yoshida "asserts" "lines or busses." As Applicants explained to the Examiner, a signal line is not a data bus. In the Yoshida reference numeral 44 is a signal line, not a data bus, and it is distinct and independent from bus 42 as acknowledged by the Examiner.

Although Szczutkowski and Kubes are in an analogous art with Jahagirdar and Yoshida, Szczutkowski fails to disclose the mobile telephone of claim 1, further comprising "communication means for transmitting and receiving signals via a radio line wherein said control means is controlled to prohibit access to said second address data bus while said communication means is receiving signals", as recited in dependent claim 2, for example, and, and Kubes fails to disclose the mobile telephone as claimed in claim 1, wherein said second address data bus is driven by lower voltage than said first address data bus, as recited in, for example dependent claim 3.

Neither Szczutkowski nor Kubes teaches or suggests the above limitation in the present claimed invention. Furthermore, there is no motivation for combining Szczutkowski or Kubes with Jahagirdar and Yoshida. The inventions, as claimed, are not obvious over Szczutkowski nor Kubes.

Conclusion

For at least the reasons set forth above, Applicants respectfully submit that this patent application is in condition for allowance. Reconsideration and prompt allowance of this patent application are respectfully requested.

Respectfully submitted,

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New York, New York

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CERTIFICATE OF MAILING

Date of Deposit: 12/6/06

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Name: Roxanne Garcia

Signature: *Roxanne Garcia*
Schulte Roth & Zabel, LLP

Listing of Pending Claims:

Claim 1 (Previously Presented): A mobile telephone, comprising:

a display which displays information including telephone numbers or characters;

a first address data bus connected to control means and storage means that are provided as principal integrated circuits; and

a second address data bus for connecting said control means and said display means independently of said first address data bus;

wherein said control means controls said first address data bus and said second address data bus independently.

Claim 2 (Previously Presented) A mobile telephone as claimed in claim 1, further comprising communication means for transmitting and receiving signals via a radio line,

wherein said control means is controlled to prohibit access to said second address data bus while said communication means is receiving signals.

Claim 3 (Original) A mobile telephone as claimed in claim 1, wherein said second address data bus is driven by lower voltage than said first address data bus.

Claim 4 (Cancelled).

Claim 5 (Previously Presented) A mobile telephone as claimed in claim 1, wherein said display means is arranged near an antenna of the mobile telephone.